



The Law Society

**Joint Academic Stage Board consultation on
compensation and condonation in Qualifying Law
Degrees (Foundation Subjects)**

Response to the consultation

January 2011

supporting
solicitors

Joint Academic Stage Board consultation on compensation and condonation in Qualifying Law Degrees (Foundation Subjects)

Response to the consultation

Introduction

The Law Society is the representative body for more than 140,000 solicitors in England and Wales. The Society negotiates on behalf of the profession, and lobbies regulators, government and others. The Society's response to the Consultation Questionnaire is attached at **Annex A**.

The Law Society is pleased that the Joint Academic Stage Board (JASB) is addressing the issues of compensation and condonation within the Qualifying Law Degree (QLD), as we have been concerned about these practices in relation to the Foundation subjects for some time. We note that the Solicitors Regulation Authority (SRA), in conjunction with the Bar Standards Board (BSB) and ILEX Professional Standards will be conducting a review of legal education and training from 2011, and we hope that the outcomes of this consultation and the JASB's 2011 Workplan tie in with this wider review of education and training.

We acknowledge that it is often necessary to recognise situations where an otherwise strong candidate has a minor lapse in one element of assessment, and to have measures in place to recognise candidates who are likely to pass without difficulty on any resit. However, we do not think there is a justification for this to occur in the Foundation subjects on the Qualifying Law Degree (QLD). A high level of demonstrated understanding of these subjects is a fundamental requirement of entry to the solicitors' profession. The Law Society therefore agrees with the position of the JASB, that neither compensation nor condonation should be permitted within the QLD for Foundation subjects. We do not object to either compensation or condonation being permitted in legal (but non-Foundation) nor non-law subjects that make up the required 360 credits for the QLD.

The Law Society urges the JASB to put in place more robust quality assurance mechanisms for the QLD, to ensure that there can be confidence that those entering the profession have the requisite background knowledge of the law.

Joint Academic Stage Board consultation on compensation and condonation in Qualifying Law Degrees (Foundation Subjects)

Consultation questions

Question 1

Do you agree that compensation/condonation of Foundation subjects should not be permitted within Qualifying Law Degrees? If you disagree, please give your reasons.

We agree that compensation/condonation of Foundation subjects should not be permitted within the QLD.

Question 2

Do you agree that compensation/condonation of legal (but non Foundation) subjects should not be permitted within Qualifying Law Degrees? If you disagree, please give your reasons.

Ideally, the Law Society would prefer that there is no compensation/condonation on any of the subjects that make up a QLD. However, for reasons outlined in our answer to question 3 below, we do not think it is the place of the JASB to impose conditions on non-law subjects. It would seem inconsistent to then insist that someone who chooses non-law subjects to complete their credits for the QLD should be treated differently to someone who decides to take straight law subjects. For this reason, we believe that compensation/condonation in legal (but non-Foundation) subjects should be permitted, as should compensation/condonation in non-law subjects.

Question 3

Do you agree that compensation/condonation in non law subjects (that make up the required 360 credits for the QLD) should not be permitted within Qualifying Law Degrees? If you disagree, please give your reasons.

As outlined above, we disagree with the assertion that compensation/condonation should not be permitted within non-law subjects within the QLD.

The focus of the QLD is competence and ability with regards to skills, concepts and procedures within legal subjects, not other disciplines. Imposing such conditions on non-law subjects could have the effect of undermining the validity of the decisions made by academics and other professional bodies about what is acceptable for other degrees. Why should there be an issue as to whether database design and methodology counts towards a QLD but not a Bachelor of Science? This would potentially be placing greater emphasis on the result of a subject in an unrelated

degree subject rather than on the main subject area. It does not seem to be for the JASB to impose these conditions on non-law subjects.

Question 4

Do you agree that compensation/condonation should not be permitted within Qualifying Law Degrees at all? If you disagree, please give your reasons.

As per our response above, compensation/condonation should not be permitted within Foundation subjects, but should be permitted for other courses making up the Qualifying Law Degree.

Question 5

If you consider that some credit compensated/condoned should be allowed for Foundation subjects, should this be limited to a specific number of credits (eg 20 credits maximum)? Or limited to one Foundation subject? If not, what would you suggest?

As above, we do not agree that compensation/condonation should be permitted for any aspect of the Foundation subjects within the QLD.

Question 6

If you consider that compensation or condonation should be allowed but according to certain conditions, please specify what these conditions should be (such as a range of acceptable marks that could be considered for compensation, for example 38% and above, a minimum average of other marks, a limited number of credits, or a limited number of Foundation subjects).

The issue of whether compensation/condonation should apply in other non-law subjects, and the conditions placed on this, should be determined by the course in question and the degree it is normally associated with. As per the example set out in our answer to question 3, database design and methodology would typically be associated with a degree in Computing or Information Technology, thus the guidelines of that degree should dictate whether compensation/condonation is applicable, and if so, the conditions under which it should be applied. We have no views on the conditions that should be placed on compensation or condonation in legal (but non-Foundation) subjects.